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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE

MAY 9 5 2005

ROBERT R. DI TROLLO

TERRENCE McFADGON, on behalf of)
themselves and all other similarly situated,)

Plaintiff,)

v.)

THE FRESH MARKET, INC.,)

Defendant.)

Civil Action No.: 05-2151-DV

AFTER HOURS DEPOSITORY
Robert R. Di Trollo, Clerk
U. S. DIST COURT
W. D. OF TN, MEMPHIS

CONSENT MOTION TO EXTEND TIME TO RESPOND

Appearing solely for the limited purpose of this Motion and expressly reserving any and all defenses, including but not limited to those defenses enumerated in Federal Rule of Civil Procedure 12, the Defendant, The Fresh Market, Inc. ("The Fresh Market"), through counsel, moves for a thirty (30) day extension of time to answer or otherwise plead in response to the Plaintiff's Complaint. In support of this Motion, The Fresh Market shows the following:

1. The Plaintiff's Complaint was filed with this Court on February 25, 2005.
2. The Plaintiff's Complaint was served on The Fresh Market's on April 16, 2005.
3. Based on Federal Rule of Civil Procedure 12(a)(1)(A), The Fresh Market's answer or other responsive pleading to Plaintiff's Complaint is due twenty (20) days from service, on or before May 6, 2005.

MOTION GRANTED

DATE: 5-11-2005

[Signature]

BERNICE BOUIE DONALD
U.S. DISTRICT JUDGE

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4. Because the Complaint seeks to allege broad claims of employment discrimination by The Fresh Market against a purported nationwide class of all current and former African-American employees, The Fresh Market needs additional time to investigate the allegations of the Complaint and prepare a responsive pleading.

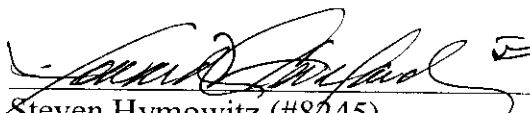
5. The requested extension is made timely under Federal Rules of Civil Procedure 6 and 12 and would neither prejudice the parties nor unduly delay this matter.

6. On May 4, 2005, Scott Humphrey, counsel for The Fresh Market consulted with counsel for the Plaintiff regarding this requested extension. Plaintiff's counsel consents to granting The Fresh Market the requested extension of thirty (30) days to answer or otherwise respond to Plaintiff's Complaint.

For the reasons shown above, The Fresh Market respectfully requests the Court enter the attached Order granting The Fresh Market an additional thirty (30) days until on or before June 6, 2005 to answer or otherwise respond to the Plaintiff's Complaint.

Respectfully submitted, this the 5th day of May 2005.

Respectfully submitted,



Steven Hymowitz (#8245)
Howard L. Cleveland, IV (#17299)
KIESEWETTER WISE KAPLAN PRATHER, PLC
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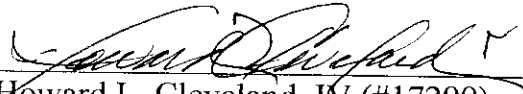
Attorneys for Defendant
The Fresh Market, Inc.

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **CONSENT MOTION TO EXTEND TIME TO RESPOND** was served on all counsel by depositing same with the U.S. Mail Service, postage prepaid.

Lawrence Williamson, Esquire
Shores, Williamson & Ohaebosim, LLC
1400 Epic Center
301 North Main
Wichita, Kansas 67202

This the 5th day of May 2005.


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Attorneys for Defendant
The Fresh Market, Inc.



Notice of Distribution

This notice confirms a copy of the document docketed as number 8 in case 2:05-CV-02151 was distributed by fax, mail, or direct printing on May 19, 2005 to the parties listed.

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Honorable Bernice Donald
US DISTRICT COURT